



# House of Representatives

General Assembly

**File No. 501**

January Session, 2013

Substitute House Bill No. 5844

*House of Representatives, April 15, 2013*

The Committee on Environment reported through REP. GENTILE of the 104th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

**AN ACT CONCERNING THE OVERNIGHT TETHERING OF DOGS OUTDOORS AND THE TETHERING OF DOGS OUTDOORS UNDER CERTAIN WEATHER CONDITIONS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22-350a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2013*):

3 (a) No person shall tether a dog to a stationary object or to a mobile  
4 device, including, but not limited to, a trolley or pulley by means of: [a:  
5 (1) Tether] (1) A tether that does not allow such dog to walk at least  
6 eight feet, excluding the length of such dog as measured from the tip  
7 of such dog's nose to the base of such dog's tail, in any one direction,  
8 (2) a tether that does not have swivels on both ends to prevent twisting  
9 and tangling, unless [the owner or keeper of such dog] a person is in  
10 the immediate presence of such dog, (3) a coat hanger, choke collar,  
11 prong-type collar, head halter or any other collar, halter or device that  
12 is not specifically designed or properly fitted for the restraint of such  
13 dog, (4) a tether that has weights attached or that contains metal chain

14 links more than one-quarter of an inch thick, or (5) a tether that allows  
15 such dog to reach an object or hazard, including, but not limited to, a  
16 window sill, edge of a pool, fence, traffic, porch or terrace railing that  
17 poses a [substantial] risk of injury or strangulation to such dog if such  
18 dog walks into or jumps over such object or hazard, unless [the owner  
19 or keeper of such dog is on the premises] a person is in the immediate  
20 presence of such dog. The provisions of subdivisions (1) and (2) of this  
21 subsection shall not be construed to apply to: (A) Any veterinary  
22 practice licensed pursuant to section 20-197 that tethers a dog in the  
23 course of such veterinary practice, (B) any exhibition, show, contest or  
24 other temporary event in which the skill, breeding or stamina of such  
25 dog is judged or examined, (C) any exhibition, class, training session or  
26 other temporary event in which such dog is used in a lawful manner to  
27 hunt a species of wildlife during the hunting season for such species of  
28 wildlife or in which such dog receives training in a lawful manner to  
29 hunt such species of wildlife, (D) the temporary tethering of a dog at  
30 any camping or recreation area as expressly authorized by the  
31 Commissioner of Energy and Environmental Protection, [or] (E) the  
32 temporary tethering of a dog at a grooming facility in the course of  
33 grooming such dog, or (F) the temporary tethering of a dog for a  
34 period of time of not more than fifteen minutes in duration.

35 (b) No person shall tether a dog outdoors to a stationery object or to  
36 a mobile device, including, but not limited to, any trolley or a pulley,  
37 at any time between the hours of ten o'clock p.m. and six o'clock a.m.,  
38 unless: (1) A person is outdoors in the presence of such dog, or (2) such  
39 tethering occurs in an area that is enclosed on all sides by a fence,  
40 improvement or similar structure.

41 (c) No person shall tether a dog outdoors to a stationery object or to  
42 a mobile device, including, but not limited to, a trolley or a pulley,  
43 when the outdoor temperature is greater than ninety degrees  
44 Fahrenheit or is less than thirty-two degrees Fahrenheit, unless such  
45 person provides such dog with a shelter or structure that protects such  
46 dog from the applicable outdoor environmental conditions, including,  
47 but not limited to, extreme heat or cold, rain, snow or ice, that pose an

48 adverse risk to the health or safety of such dog. The provisions of this  
 49 section shall not be construed to apply to: (1) Any exhibition, show,  
 50 contest or other temporary event at which the skill, breeding or  
 51 stamina of such dog is judged or examined, (2) any exhibition, class,  
 52 training session or other temporary event at which such dog is used in  
 53 a lawful manner to hunt a species of wildlife during the hunting  
 54 season for such species of wildlife or at which such dog receives  
 55 training in a lawful manner to hunt such species of wildlife, (3) the  
 56 temporary tethering of a dog at any camping or recreation area as  
 57 expressly authorized by the Commissioner of Energy and  
 58 Environmental Protection, or (4) the temporary tethering of a dog for a  
 59 period of time of not more than fifteen minutes in duration.

60 [(b)] (d) Nothing in this section shall be construed to affect any  
 61 protection afforded to any dog pursuant to any other provision of the  
 62 general statutes, regulations of the Connecticut state agencies, local  
 63 ordinance or local regulation.

64 [(c)] (e) Any person who confines or tethers a dog for an  
 65 unreasonable period of time or in violation of the provisions of  
 66 subsection (a), (b) or (c) of this section shall be fined one hundred  
 67 dollars for the first offense, two hundred dollars for a second offense,  
 68 and not less than two hundred fifty dollars or more than five hundred  
 69 dollars for a third or subsequent offense.

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2013	22-350a
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**ENV** Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note****State Impact:**

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Department of Agriculture	GF - Potential Revenue Gain	Less than 10,000	Less than 10,000

**Municipal Impact:** None

**Explanation**

Currently, people are prohibited from tethering dogs to stationary objects or other mobile devices under certain conditions, and subjects violators to a tiered system of fines for offenses. The bill expands the tethering prohibition and subjects violators to these fines. This could result in a minimal revenue gain to the state, anticipated to be less than \$10,000 annually.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of offenses.

**OLR Bill Analysis****sHB 5844*****AN ACT CONCERNING THE OVERNIGHT TETHERING OF DOGS OUTDOORS AND THE TETHERING OF DOGS OUTDOORS UNDER CERTAIN WEATHER CONDITIONS.*****SUMMARY:**

With some exceptions, this bill prohibits tethering a dog outdoors (1) overnight (between 10 p.m. and six a.m.) and (2) when the temperature is above 90 or below 32 degrees Fahrenheit. It subjects violators to a fine of (1) \$100 for a first offense, (2) \$200 for a second offense, and (3) between \$250 and \$500 for subsequent offenses.

The bill also makes miscellaneous changes to the current tethering prohibition, as described below.

EFFECTIVE DATE: July 1, 2013

**NEW TETHERING PROHIBITIONS; EXCEPTIONS*****Overnight Tethering***

The bill prohibits anyone from tethering a dog outdoors to a stationary object or mobile device, such as a trolley or pulley, at any time between 10 p.m. and six a.m. But it allows tethering a dog outdoors during those hours if (1) someone is outdoors in the dog's presence or (2) the tethering is in an enclosed area (i.e., an area enclosed on all sides by a fence, improvement, or similar structure).

***Extreme Hot or Cold Weather***

The bill prohibits anyone from tethering a dog outdoors to a stationary object or mobile device when the temperature is above 90 or below 32 degrees Fahrenheit. But it allows a person to tether a dog outdoors in those temperatures if the person provides the dog with a shelter or structure that protects it from weather posing an adverse

risk to the dog's health or safety, including extreme heat or cold, rain, snow, or ice.

The bill specifies that the prohibition on tethering a dog outdoors in extreme hot or cold weather does not apply to:

1. any exhibition, show, contest, or other temporary event at which the dog's skill, breeding, or stamina is judged or examined;
2. any exhibition, class, training session, or other temporary event where the dog (a) is used lawfully to hunt wildlife during the hunting season for the wildlife species or (b) receives lawful training in hunting such wildlife;
3. temporary tethering at any camping or recreation area as expressly authorized by the energy and environmental protection commissioner; or
4. temporary tethering for up to 15 minutes.

#### **ADDITIONAL CHANGES TO THE TETHERING LAW**

Current law prohibits tethering a dog on a tether that does not have swivels on both ends to prevent twisting and tangling, unless the dog's owner or keeper is in the dog's presence. The bill instead permits such tethering if anyone is in the dog's immediate presence.

Current law prohibits tethering a dog on a tether that allows the dog to reach an object, such as a window sill, pool edge, fence, porch, or terrace railing, that poses a substantial risk of injuring or strangling the dog if it jumps over the object, unless the dog's owner or keeper is on the premises. The bill also prohibits tethering a dog that allows the dog to reach a hazard, including traffic into which the dog could walk. It prohibits tethering a dog near an object or hazard that poses any risk, instead of substantial risk, of injuring or strangling the dog if it jumps over or walks into the object or hazard, unless someone is in the dog's immediate presence.

Lastly, the bill permits tethering a dog on a tether that does not have

swivels on both ends or does not allow the dog to walk at least eight feet if the tethering lasts no longer than 15 minutes.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea    27    Nay   1    (03/27/2013)